REMARKS

Claims 1-55 are presently pending in the application. Claims 1, 2, 14-24, and 36-44 were rejected under 35 U.S.C. 102(b) as being anticipated by Adams et. al. (5,819,036). Claims 3-13, 25-35, and 45-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al., in view of Du et al. (6,088,346).

Applicant respectfully disagrees that claim 1 is anticipated by Adams; specifically, each claimed step is not met by the teachings of Adams, which is a requirement for a 35 U.S.C. 102(b) rejection, for the reasons stated hereinbelow. The claimed step of determining whether a given packet of the plurality of packets is a multicast packet or a unicast packet, wherein a multicast packet is designated for transmission from a plurality of modulators and a unicast packet is designated for transmission from only one modulator is not equivalent to claim 1 of the Adams patent. More specifically, this step is directed towards, after receiving at least one transport stream, which each comprise a plurality of packets, determining whether each packet of the transport stream is designated for *multicast transmission or unicast transmission* from the multimodulator. Subsequently, the multicast transmission packets and the unicast transmission packets are provided to a plurality of set-top terminals via a distribution system. This step is inherently different than and not equivalent to "multicasting the given packet from the receiving set-top processor's assigned modulator to a processor subset of which the receiving set-top processor is a member." To be clear, the packets, either multicasted or unicasted, are provided to a "processor subset," which in the present invention is described as a plurality of set-top terminals.

If a packet is determined to be multicasted to a plurality of set-top terminals, however, that packet is then transmitted and modulated from *more than one modulator* as opposed to "multicasted from the receiving set-top processor's assigned *modulator,"* which is stated in step (E) of Adams. Steps (F) and (G) then proceed to state that each of the plurality of set-top processors then recognize *the given packet* as the packet that is addressed to the receiving processor. It does not teach or imply that *a packet* is multicasted to *a plurality of set-top processors*, but rather that *a packet* is multicasted and recognized by *only one set-top processor*. It is believed, therefore, that independent claim 1 is patentable over the cited art.

Claim 2 of the present invention further details the method of providing a multicast of a packet by associating a modulator identifier with each identified multicast packet. For the same reasons stated above, Adams does not teach or imply identifying a multicast packet and further then associating an identifier with that multicast packet. Likewise, dependent claims 14-22 further limit independent claim 1, and are therefore believed to be patentable over the cited art.

Similarly, independent claim 23 is directed towards a multimodulator for receiving at least one transport stream. The multimodulator includes a processor that determines which packets are to be

multicasted and which packets are to be unicasted to a plurality of set-top terminals. This is inherently different that that taught in Adams, which states that packets are "multicasted" to a plurality of set-top processors. As illustrated in FIG. 2A of Adams, a modulator 62 receives a transport stream and provides a transport stream to a plurality of set-top terminals. In light of the specification and the FIG. 2A and FIG. 3, "multicasted" then indicates that a transport stream comprising a plurality of packets is provided, or is multicasted, to a plurality of set-top terminals. It does not indicate that *a packet* in the transport stream is "multicasted" and provided to *a plurality of output ports on the modulator* to be transmitted to two or more distinct sets of a set-top terminals as shown in FIG. 2 of the present invention. The difference being that a packet is multicasted, or duplicated, in the present invention; whereas, multicasted in Adams signifies transmitting a single packet to a plurality of set-top terminals. Dependent claims 24 and 36-44 further limited claim 23 and are also believed to be patentable over the cited art.

Claims 3-13, 25-35, and 45-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Du. Applicant believes that Adams in view of Du, either alone or in combination, does not render the stated claims unpatentable. In fact, it is unclear how to combine Du with Adams since Du is neither analogous with Adams nor analogous with the present invention. Regardless, it is believed that independent claims 1 and 23 are patentable over the cited art, and therefore, it is believed that their respective dependent claims are also patentable over the cited art.

Independent claim 45 is directed towards a multimodulator having an input port for receiving a plurality of PID streams and having a plurality of modulators. Each modulator modulates and transmits all or a portion of the plurality of PID streams. Applicant respectfully submits that neither Adams nor Du, alone or in combination, teaches or implies a multimodulator that modulates and transmits all or a portion of the PID streams. More specifically, Adams teaches away from modulating and transmitting all or a portion of the PID stream as illustrated in FIG. 2A, which shows a modulator 62 having one input and one output. It also is not found in Adams' teachings how or why a portion of the PID stream would be transmitted. Likewise, Du teaches copying a cell according to the number of outputs, for example, four; however, does not teach how or why only a portion of the cells would be copied and multicasted to set-top terminals. It is believed therefore that claim 45 along with its dependent claims 46-55 are patentable over the cited art.

Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and in view of the following remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated August 10, 2005. Claims 1-55 will be pending in the present application upon entry of the present amendment, with claims 1, 23, and 45 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 2 independent claims. Because Applicant has previously paid for 55 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

By: _____
WM. BROOK LAFFERTY
Attorney of Record
Reg. No. 39,259
Phone: (770) 236-2114
Fax No.: (770) 236-4806

SEND CORRESPONDENCE TO:

Scientific-Atlanta, Inc.
Intellectual Property Dept. MS 4.3.510
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 7, 2005.

_____
Faye Ropski